IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P. BALACHANDRAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Tr. P (Crl.) No. 99 of 2005

SC. 57/2004 of ADDITIONAL SESSIONS COURT (SPL. COURT FOR NDPS CASES), VADAKARA
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PETITIONER:

VETTAKKATTU CHINNU AMMAD, S/O. IBRAHIM KUNNUMMEL, KUNNUMMEL AMSOM AND DESOM, KOZHIKODE DISTRICT.

BY ADV. SRI. SUNIL V. MOHAMMED

RESPONDENT:

THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.P. SANTHO

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. BALACHANDRAN, J.

Tr. P (Crl). NO. 99 OF 2005

Dated this the 21st day of August, 2007.

O R D E R

The prayer in this Transfer Petition is for transfer of S.C. No. 57/2004 pending on the file of Additional Sessions Court, Vadakara to the Assistant Sessions Court, Vadakara on the allegation that in the event of the case being tried by the Assistant Sessions Judge, the petitioner will be getting an opportunity to file an appeal before the Sessions Judge and then a revision before the High Court, whereas if the trial is had before the Additional Sessions Court, opportunity to file an appeal before the Sessions Court will be deprived of.

2. Petitioner is the accused in S.C. No. 57/2004 aforesaid for offences punishable under Sections 143,147, 148, 324 and 307 I.P.C r/w Section 149 thereof. There is no guarantee that the sentence of imprisonment that may be awarded to him will not be more than seven years, in which case he will not be getting an opportunity to prefer an appeal before the Sessions Court. The distribution of cases is in the discretion of the Sessions Judge and the petitioner has no right to claim that he shall be tried by the

Assistant Sessions Court. There is no representation also for the petitioner today.

In the result, I dismiss this transfer petition for all the above reasons.

K.P. BALACHANDRAN
JUDGE.

smp